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March 20, 2023

**VIA ECF**

The Honorable Philip Bentley  
United States Bankruptcy Judge  
United States Bankruptcy Court for the  
Southern District of New York  
One Bowling Green  
New York, New York 10004

**Re: In re Urban Commons 2 West LLC, et al., Debtors<sup>1</sup> (Case No. 22-11509 (PB))**  
**(Jointly Administered)**

Dear Judge Bentley:

This firm represents The Residential Board of Managers of the Millennium Point Condominium (the “Residential Board”), a secured creditor and party-in-interest in the above-referenced Debtors’ bankruptcy cases pending before Your Honor in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”). The Residential Board, in connection with the Debtors in the above-referenced cases and Battery Park City Authority (“BPCA” and together with the Residential Board and the Debtors, the “Parties”), Parties to the *First Amended Stipulation and Order Between the Millennium Point Condominium Board and Battery Park City Authority with Respect to Schedule for Rent Re-Set and Appraisal Process*, entered on February 17, 2023 [ECF No. 168] (the “Appraisal Stipulation”), submit this letter requesting a clarification of, and, if necessary, the Court’s slight modification to, the schedule set forth therein.

In accordance with the Appraisal Stipulation, on Friday, March 17, 2023, the Independent Appraiser<sup>2</sup> issued the determination regarding the Appraisal. According to Paragraph 7 of the Appraisal Stipulation, in relevant part, “[a]ny party seeking judicial review by the Bankruptcy Court of the Appraisal Process or Appraisal selected must do so ***within four days*** after the Independent Appraiser informs the Parties of his or her determination.” See Appraisal Stipulation at ¶ 7 (*emphasis added*). The Parties have conferred as to whether the reference to “four days”

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<sup>1</sup> Jointly administered with Urban Commons 2 West II LLC (Tax ID: \*\*-\*\*\*7987), Urban Commons 2 West III LLC (Tax ID: \*\*-\*\*\*3270), Urban Commons 2 West IV LLC (Tax ID: \*\*-\*\*\*8418), and Urban Commons 2 West Operating Tenant LLC (Tax ID: \*\*-\*\*\*0849), with a shared mailing address of 3334 East Coast Highway, No. 350, Corona Del Mar, CA 92625 (collectively, the “Debtors”).

<sup>2</sup> Capitalized terms not specifically defined herein shall have the meanings ascribed to them in the Appraisal Stipulation.

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means calendar days or business days. In this case, if it were not determined to be business days, then two of the four days during that period fell on a weekend days.

If the language of the Appraisal Stipulation was intended to reflect four business days, no modification would be necessary, as any ensuing challenge would be due on Thursday, March 23, 2023. If so, we respectfully request that the Court so clarify the Appraisal Stipulation accordingly. If, however, the four-day period referenced in the Appraisal Stipulation was intended to refer to calendar days, the Parties, in an effort to resolve the issue, have agreed, subject to the approval of this Court, to extend the period set forth in Paragraph 7 of the Appraisal Stipulation by 1 calendar day (*i.e.*, from four calendar days to five calendar days), requiring any party seeking judicial review by the Bankruptcy Court of the Appraisal Process or Appraisal, must do so by Wednesday, March 22, 2023. We respectfully request the Court's approval for this one-day extension (to the extent such is necessary), upon consent of the Parties, in the applicable provision of the Appraisal Stipulation.

The Residential Board thanks the Court in advance for its attention to this matter. Please do not hesitate to contact us if the Court has any questions regarding the foregoing.

Respectfully Submitted,

*/s/ Kathleen M. Aiello*

Kathleen M. Aiello

cc (by ECF and E-Mail):

Janice MacAvoy, Esq., Fried Frank, Attorneys for BPCA

Jonathan S. Pasternak, Esq. Davidoff, Hatcher & Citron LLP, Attorneys for the Debtors

Tracy L. Klestadt, Esq., Klestadt Winters Jureller Southard & Stevens LLP, Attorneys for the Residential Board

Michael S. Hiller, Esq., Hiller, P.C., Attorneys for the Residential Board

On consent of the parties to the Appraisal Stipulation, the period set forth in paragraph 7 of that stipulation is extended from four calendar days to five calendar days.

March 21, 2023

/s/ Philip Bentley

United States Bankruptcy Judge